

NORTH LINCOLNSHIRE COUNCIL

CABINET

REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) UPDATE

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To inform Members of the Council's activity relating to surveillance matters under the RIPA regime for the period 1st January 2023 to 31st December 2023

2. BACKGROUND INFORMATION

- 2.1 RIPA provides a legislative framework which details a system of authorisation which exists to secure the lawfulness of surveillance activities and ensure that they are consistent with obligations under the Human Rights Act 1998.
- 2.2 The different types of authorisation include covert surveillance directed at a person(s) and the use of a "covert human intelligence source" (CHIS) which involves the establishing of a relationship for the covert purpose of obtaining information and access to communications data such as telephone subscriber details and itemised phone logs.
- 2.3 Between 1st January 2023 and 31st December 2023, the Council presented 1 RIPA application to the Authorising Officer which was authorised and approved by the Magistrates Court in accordance with the Council's RIPA Policy. This surveillance was to carry out underage sale test purchasing of vapes and to test the compliance of two stores, where intelligence had been received that underage sales were taking place. One store had closed and the other refused the sale. Therefore, the surveillance demonstrated compliance with the law and no further action was taken.
- 2.4 The Investigatory Powers Commissioner's Office advises that as a good practice measure officers who regularly use RIPA should receive refresher training. Training was provided by an external provider and took place in April 2023.

- 2.5 As part of the RIPA process the Investigatory Powers Commissioner's Office inspected the Authority. They provided a positive report in December 2023 and made constructive suggestions on improvement of practice and on the RIPA policy to ensure the Authority remained current. These have all been addressed.
- 2.6 As a result of staffing changes within the organisation, the Assistant Director Public Protection will remain as Authorising Officer but following the retirement of the Assistant Director Resources and Performance the second Authorising Officer was lost. Although the number of applications are low it is felt that a second Authorising Officer is still required to ensure continuity of cover and it is anticipated the new Chief Financial Officer (S151) will cover that role. The Senior Responsible Officer is now Director: Communities. All new appointees have or will receive training. The Council's existing RIPA Policy has been amended to reflect these changes
- 2.7 The RIPA Coordinator will also provide a briefing session to the Chief Executive in relation to RIPA roles and responsibilities once they are in post.

3. OPTIONS FOR CONSIDERATION

- 3.1 To note the contents of this Report and approve the existing RIPA Policy with amendments to reflect organisational changes and practice improvements.

4. ANALYSIS OF OPTIONS

- 4.1 Guidance indicates that Members should be made aware of RIPA usage within the Council.

5. FINANCIAL AND OTHER RESOURCE IMPLICATIONS (e.g. LEGAL, HR, PROPERTY, IT, COMMUNICATIONS etc.)

- 5.1 The RIPA provisions are already in place within existing resources.

6. OTHER RELEVANT IMPLICATIONS (e.g. CRIME AND DISORDER, EQUALITIES, COUNCIL PLAN, ENVIRONMENTAL, RISK etc.)

- 6.1 The application of the RIPA provisions will ensure the Council is "safe" and "well" as covert surveillance will only be conducted in accordance with the legislative framework and guidance.

7. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

- 7.1 Not applicable

8. **OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED**

8.1 The provisions are either statutory or good practice which the Investigatory Powers Commissioner will expect to be followed.

9. **RECOMMENDATIONS**

9.1 That the content of this Report is noted and the amendment to the existing RIPA Policy regarding Authorising Officers is approved.

DIRECTOR: OUTCOMES

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Background Papers used in the preparation of this report – North Lincolnshire Council RIPA Policy